

UNITED STATES FEDERAL COURT

for the

MIDDLE District of North Carolina

Division



MARGARITA A. WALSTON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

REBECCA CINTRON  
UNIVERSITY OF NORTH CAROLINA HOSPITAL  
HILLSBOROUGH CAMPUS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:18cv517

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MARGARITA A. WALSTON
Street Address	702 BILL POOLE RD
City and County	ROUGEMONT/ DURHAM
State and Zip Code	NORTH CAROLINA 27572
Telephone Number	919-830-1179
E-mail Address	margewalston@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	REBECCA CINTRON
Job or Title <i>(if known)</i>	OPERATING ROOM DIRECTOR
Street Address	430 WATERSTONE DR.
City and County	HILLSBOROUGH/ ORANGE
State and Zip Code	NORTH CAROLINA 27278
Telephone Number	(984) 215-2000
E-mail Address <i>(if known)</i>	Rebecca.Cintron@unchealth.unc.edu

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	UNCHOSPITAL HILLSBOROUGH CAMPUS
Street Address	430 WATERSTONE DR
City and County	HILLSBOROUGH/ ORANGE
State and Zip Code	NORTH CAROLINA 27278
Telephone Number	(984) 215-2000

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☒ Other federal law *(specify the federal law)*:

RETALIATION IN THE WORKPLACE; WRONGFUL TERMINATION; DEFAMATION

☒ Relevant state law *(specify, if known)*:

RETALIATION IN THE WORKPLACE; WRONGFUL TERMINATION; DEFAMATION

☐ Relevant city or county law *(specify, if known)*:



### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

☐  
☒  
☐  
☐  
☒  
☒  
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Failure to hire me.

Termination of my employment.

Failure to promote me.

Failure to accommodate my disability.

Unequal terms and conditions of my employment.

Retaliation.

Other acts (specify): DEFAMATION; EMOTIONAL DISTRESS; MENTAL ANGUISH

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
AUGUST 1, 2017 TO SEPTEMBER 20, 2017

C. I believe that defendant(s) (check one):

☒  
☐

is/are still committing these acts against me.

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒  
☒  
☐  
☐  
☒  
☒  
☐

race

color

gender/sex

religion

national origin

age (year of birth)

59

(only when asserting a claim of age discrimination.)

disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

- 1) DUE TO MY AGE, COLOR, RACE, NATIONAL ORIGIN I WAS LET GO.
- 2) DUE TO WHISTLEBLOWING, MY WORKLOAD WAS MADE DIFFICULT BY MY DIRECTOR.
- 3) AS RETALIATION, MY HOURS WERE OFTEN CUT BACK AND EQUIPMENTS WERE WITHHELD.
- 4) I WAS GIVEN DEROGATORY REMARKS ON BACKGROUND CHECKS BY MY DIRECTOR CAUSING THE JOB OFFER RESCINDED, THEREBY LOSS OF WAGES AND BENEFITS ON MY PART.(DEFAMATION)
- 5) THIS CAUSES ME DETRIMENTAL EMOTIONAL DISTRESS AND MENTAL ANGUISH.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

MARCH 19, 2018

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 06/15/2018

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.



FOR CONTINUED DISCRIMINATION, LOSS OF WAGES AND BENEFITS: \$200,000  
FOR DEFAMATION, EMOTIONAL DISTRESS, MENTAL ANGUISH: \$1,000,000  
FOR COMPENSATORY, PUNITIVE, EXEMPLARY DAMAGES: \$1,000,000

## VI. Certification and Closing

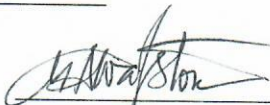
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/15/2018

Signature of Plaintiff



Printed Name of Plaintiff

MARGARITA A. WALSTON

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

IN THE UNITED STATES DISTRICT COURT  
MIDDLE  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

\_\_\_\_\_  
DIVISION

V.

NO.

COMPLAINT

Plaintiff resides at:

702 Bill Loke Rd.  
Rougemont, NC 27572

Defendant(s)' name(s) and address(es), if known:

Rebecca Citron, Director of Operating Room  
LENC Hospital, Hillsborough Campus  
430 Waterstone Dr.  
Hillsborough, NC 27278

Jurisdiction in this court is based on:

Title VII of the Civil Rights Act of 1964

Age Discrimination in Employment Act of 1967

The acts complained of in this suit concern:

- \* Race, Color, National Origin discrimination
- \* Age Discrimination; Unequal Terms & conditions of my employment
- \* Wrongful Termination (Retaliation)
- \* Defamation, Emotional & Mental Anguish



(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

For continued discrimination, loss of wages & benefits : \$ 200,000  
For defamation, emotional distress, mental anguish : \$ 1,000,000  
For compensatory, punitive, exemplary damages : \$ 1,000,000

6-18-2018

DATE

Chaston

SIGNATURE OF PLAINTIFF

702 Bill Porter Rd.  
Rougemont, NC 27572  
919-830-1179

ADDRESS AND PHONE NUMBER OF PLAINTIFF